

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JAMES D. SMITH,

Plaintiff,

V.

MICHAEL COLE, *et al.*,  
1

## Defendants.

Case No. C05-5156RJB

**ORDER DENYING PLAINTIFF'S  
MOTIONS TO COMPEL  
DISCOVERY**

The Court, having reviewed Plaintiff's motion for contempt (Doc. 72) and plaintiff's similar motion for relief (Doc. 74), the pleadings and documents filed in support and in opposition thereto, and the balance of the record, does hereby find and ORDER:

(1) On January 20, 2006, the court extended the discovery deadline to April 15, 2006. Plaintiff served "Depositions Upon Written Questions upon Defendants McTarsney, McGimpsey, McGarvie, Morgan, Perry and Schuler-Sharp" on December 14, 2005, two days after the original discovery deadline. It does not appear defendants have answered the discovery because plaintiff failed to re-serve his requests after the court extended the discovery date. The court finds plaintiff's discovery request was served on certain defendant and when the discovery deadline was extended plaintiff's requests were served in a timely fashion. Defendants shall serve appropriate responses to plaintiff's pending discovery requests by not later than **June 28, 2006**.

(2) Local rules require parties to make reasonable efforts to resolve discovery disputes without court intervention. Local Rule CR 37(a) states:

1 A good faith effort to confer with a party or person not making a disclosure or discovery  
2 requires a face-to-face meeting or a telephonic conference. If the court finds that counsel for any  
3 party, or a party proceeding pro se, willfully refuses to confer, fails to confer in good faith, or  
fails to respond on a timely basis to a request to confer, the court may take action as stated in  
GR3 of these rules

4 Plaintiff has not shown the court that a reasonable effort to confer with defendants' counsel has been made  
5 regarding to the discovery matters. Accordingly, no further action or remedy as requested by plaintiff is  
6 warranted in this matter.

7 (3) Because of the delays in completing the discovery, it is appropriate to revise the pretrial  
8 schedule in this matter. Accordingly, the court directs the parties to complete any pending discovery by  
9 not later than **July 12, 2006**. Dispositive motions shall be filed by not later than **August 30, 2006**, and a  
10 joint status report shall be filed by not later than **October 2, 2006**.

11 DATED this 23rd day of May, 2006.

12 /s/ J. Kelley Arnold

13 J. Kelley Arnold  
14 United States Magistrate Judge